

Michael C. Worsham
1916 Cosner Road
Forest Hill, Maryland 21050-2210
C: (410) 557-6192
michael@magicmichael.net

June 2, 2020

William Thomas, Esq.
McDowell Hetherington LLP
1001 Fannin St., Suite 2700
Houston, TX 77002
VIA EMAIL to: william.thomas@mhllp.com

Re: *Worsham v. Direct Energy Services, LLC*, Case #1:20-cv-00193-SAG

Mr. Thomas,

I am following up on our conference call with your co-counsel Sean Santarelli on Friday, May 29, 2020 at 9 AM.

You stated the position of your client Direct Energy that it will not provide the identity of any of the 6 companies that it has used for calling, which may be responsible for one or more of the 27 calls alleged in my suit. I pointed out that these identities should have been disclosed as a Rule 26 disclosure, and also that I have request this information in discovery (specifically Interrogatories 1 and 50). My Document Requests 8 and 9 requested Direct Energy's contracts with its telemarketers, and Caller ID providers, respectively.

I also raised for discussion Direct Energy's assertion, for the first time in its May 22, 2020 Opposition to my Motion for an Order directing its contractors to respond, that its contractors have documents that "will show that Plaintiff provided his prior express written consent." The basis of this assertion and persons with knowledge of it should also have been disclosed under Rule 26.

Before I formally move to compel this information, I want to make sure that this is still Direct Energy's position. Please advise me by this Friday June 5, 2020 by 3:00 PM EST regarding this, or anything else regarding Direct Energy's discovery responses that you think may be useful for the Court. June 5 is my deadline to reply to the opposition to my pending Motion. I anticipate filing a Motion to compel regarding Direct Energy's failure to provide the information at or about the same time, so that the Court has what would be related Motions before it at the same time. Thank you.

Sincerely,

Michael C. Worsham
Michael C. Worsham

cc (via email): Sean Santarelli , Esq.
Ifeyanyi O. Ezeigbo, Esq.